

Before the
Federal Communications Commission
Washington, D.C. 20554

In re the Application of
DIRECT CONNECT USA, INC.
Petition for Waiver of Sections 90.305(a),
90.307(a) and 90.305(d) of the
Commission's Rules
FCC File No. 0000837712

ORDER

Adopted: October 4, 2002

Released: October 7, 2002

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. On May 2, 2002, Direct Connect USA, Inc. (Direct Connect) filed the above-captioned application, along with a request for waiver of the separation requirements between stations in the 470-512 MHz band. On July 1, 2002, Mountain Broadcasting Corporation (Mountain) filed Informal Comments under Section 1.41 of the Commission's rules seeking denial of the application. In its comments, Mountain argues that grant of Direct Connect's application would result in harmful interference to Mountain's television station WMBC-DT. On July 3, 2002, the Commercial Wireless Division's Licensing and Technical Analysis Branch, on its own motion, denied Direct Connect's waiver request and dismissed the application. Accordingly, we dismiss Direct Connect's Informal Comments as moot.

2. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 303(r), and Sections 0.331 and 1.41 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.41, the Informal Comments filed by Mountain Broadcasting Corporation on July 1, 2002, ARE DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari
Chief, Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Division

1 Direct Connect sought waiver of Sections 90.305(a), 90.307(a) and (d), and 90.309, Table E, footnote 3 of the Commission's rules.

2 Informal Comments on Interference to DTV Service filed by Mountain Broadcasting Corporation (July 1, 2002).

3 Universal Licensing System, FCC Application File No. 0000837712, Automated Letter, Reference No. 1491658 (July 3, 2002).